

**FIFTY-THIRD DAY**

(Continued)

Tuesday, May 2, 1967

**After Recess**

The Senate met at 10:30 o'clock a.m. and was called to order by the President.

**Reports of Standing Committees**

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,  
May 2, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred S. B. No. 584, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Senator Cole by unanimous consent submitted the following reports:

Austin, Texas,  
May 2, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B. No. 936, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLE, Chairman.

Austin, Texas,  
May 2, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B. No. 501, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLE, Chairman.

Austin, Texas,  
May 2, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred S. B. No. 293, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

COLE, Chairman.

Austin, Texas,  
May 2, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred S. B. No. 143, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

COLE, Chairman.

Austin, Texas,  
May 2, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred S. B. No. 88, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLE, Chairman.

Senator Watson by unanimous consent submitted the following report:

Austin, Texas,  
May 2, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred H. B. No. 581, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WATSON, Chairman.

**House Bill 654 Re-referred**

On motion of Senator Christie and by unanimous consent H. B. No. 654 was withdrawn from the Committee on State Affairs and was re-referred to the Committee on State Departments and Institutions.

**House Bills on First Reading**

The following bills received from

the House, were read the first time and referred to the Committees indicated:

H. B. No. 692, to Committee on Education.

H. B. No. 874, to Committee on Education.

H. B. No. 1032, to Committee on State Departments and Institutions.

H. B. No. 1036, to Committee on Insurance.

H. B. No. 1144, to Committee on Counties, Cities and Towns.

#### Senate Bill 158 on Third Reading

The Senate resumed the consideration of the pending business, same being S. B. No. 158 on its third reading and final passage.

Question—Shall S. B. No. 158 be finally passed?

Question on final passage of S. B. No. 158, "Yeas" and "Nays" were demanded.

The bill (S. B. No. 158) was finally passed by the following vote:

#### Yeas—17

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Brooks	Mauzy
Christie	Patman
Cole	Schwartz
Connally	Wilson
Harrington	

#### Nays—12

Blanchard	Parkhouse
Creighton	Ratliff
Grover	Reagan
Hall	Wade
Hardeman	Watson
Moore	Word

#### Absent

Hazlewood

#### Absent—Excused

Strong

#### Report of Standing Committee

Senator Patman by unanimous consent submitted the following report:

Austin, Texas,  
May 2, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Agriculture and Livestock, to which was referred H. B. No. 605, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PATMAN, Chairman.  
WATSON  
CHRISTIE  
CONNALLY  
HALL  
HAZLEWOOD  
HIGHTOWER  
MOORE  
WILSON

#### Senate Bill 587 on First Reading

By unanimous consent, the following local bill was introduced, read first time and referred to the Committee indicated:

By Senators Mauzy, Parkhouse, Wade and Hall:

S. B. No. 587, A bill to be entitled "An Act authorizing any county having a population in excess of 900,000, according to the most recent federal census, to issue certificates of indebtedness for the purpose of constructing, enlarging, furnishing, equipping and repairing buildings to provide homes and schools for dependent and delinquent boys and girls, or for either, and the acquisition of sites therefor; prescribing limitations as to the amount of and the time within which such certificates may be issued; prescribing the procedure for their issuance and sale; requiring the levy and collection of ad valorem taxes for their payment; prescribing their eligibility for investments by certain funds and for security for the deposits of public funds; enacting other provisions related to the subject; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

#### Senate Resolution 507

By unanimous consent Senator Hardeman offered the following resolution:

Whereas, It has been learned that a new Texan came into the world on the 29th day of April, 1967, being the son of a former distinguished member of the House of Representatives, Honorable Tony Korieth, and Mrs. Korieth; and

Whereas, This young man will henceforth be known as John Andrew Korieth; now, therefore, be it

Resolved by the Senate of Texas, That it extend its good wishes to John Andrew and to the proud parents of this young Texan.

#### HARDEMAN

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Blanchard, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Harrington, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, Moore, Parkhouse, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Aikin and by unanimous consent the names of the Lieutenant Governor and all Senators were added to the resolution as signers thereof.

The resolution was then adopted.

#### Senate Joint Resolution 32 on Third Reading

Senator Connally asked unanimous consent to suspend the regular order of business and take up S. J. R. No. 32 for consideration at this time.

There was objection.

Senator Connally then moved to suspend the regular order of business and take up S. J. R. No. 32 for consideration at this time.

The motion prevailed by the following vote:

#### Yeas—23

Bernal	Hightower
Berry	Jordan
Blanchard	Kennard
Brooks	Mauzy
Christie	Moore
Cole	Patman
Connally	Ratliff
Grover	Reagan
Hall	Schwartz
Herring	Wade

Watson  
Wilson

Word

#### Nays—6

Aikin	Hardeman
Bates	Harrington
Creighton	Parkhouse

Absent

Hazlewood

Absent—Excused

Strong

The President laid before the Senate on its third reading and final passage:

S. J. R. No. 32, Proposing an amendment to Article VIII of the Constitution of the State of Texas by adding a Section 1-e providing for a gradual abolition of the property tax levied by Article VII, Section 3; an abolition of the Two Cent ad valorem tax levied by Article VII, Section 17 after December 31, 1976; providing that the Ten Cent ad valorem tax levied by Article VII, Section 17, shall not be levied after December 31, 1978; and providing for deletion of references to ad valorem taxes in Article III, Section 51.

The resolution was read third time and was passed by the following vote:

#### Yeas—21

Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Brooks	Moore
Christie	Patman
Cole	Reagan
Connally	Schwartz
Grover	Wade
Hall	Wilson
Herring	Word
Hightower	

#### Nays—8

Aikin	Harrington
Bates	Parkhouse
Creighton	Ratliff
Hardeman	Watson

Absent

Hazlewood

Absent—Excused

Strong

**Senate Resolution 508**

By unanimous consent, Senator Harrington offered the following resolution:

Whereas, Due to the originality, creativity, and excellent taste of Jack Ray and Al Ohlenbusch, Austin has been blessed with a dining establishment unique in Texas and the nation; and

Whereas, Jack Ray has since become the sole owner of this den of delicacies known as the Barn, and has continued the fine service and excellent atmosphere which he and Al began; and

Whereas, The Barn has received well deserved national recognition by being named one of the four top rated restaurants in the nation in the January issue of Ford Times magazine; and

Whereas, The Barn has become a second home to the Members of the 60th Legislature as it became to each previous Legislature in the Barn's brief but remarkable existence; and

Whereas, Each and every member of the 60th Legislature, as he returns to his home district, will recall the unforgettable experience of eating the delicious steaks and relaxing in the amiable atmosphere of the Barn; and

Whereas, Equally unforgettable are the Little Barn with its Gay 90's decor, the "Girl in the Red Velvet Swing", the lively sound of Sam Gainer's rinky-tink piano, and the 108-year-old bar, and

Whereas, The Senate of the State of Texas wishes to thank Jack Ray, master host of the Barn, for making the Barn what it is and for providing many hours of leisure and enjoyment for the Members of this 60th Legislature; now, therefore, be it

Resolved, That Jack Ray be commended for this endeavor which has expanded both our outlook and dimensions, and be it further

Resolved, That a copy of this resolution be prepared for Jack Ray, bearing the Seal of the Senate, as a small token of our deep appreciation.

**HARRINGTON  
HERRING**

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Blanchard, Brooks, Christie, Cole, Connally, Creighton, Grover,

Hall, Hardeman, Hazlewood, Hightower, Jordan, Kennard, Mauzy, Moore, Parkhouse, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Herring and by unanimous consent the names of the Lieutenant Governor and all Senators were added to the resolution as signers thereof.

The resolution was then adopted.

**Senate Bill 588 on First Reading**

By unanimous consent, the following local bill was introduced, read first time and referred to the Committee indicated:

By Senators Brooks, Cole, Grover and Jordan:

S. B. No. 588, A bill to be entitled "An Act authorizing incorporated cities which have heretofore annexed or which shall hereafter annex territory under authority of Articles 1183 through 1187, Revised Civil Statutes of Texas, 1925, to designate all or any part of such territory so annexed and remaining in such limited purpose annexation status as an industrial district and to contract with the owner or owners of land in such industrial district to guarantee the continuation of the limited purpose annexation status of such district and for other purposes; providing for severability; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

**Message From the House**

Hall of the House of Representatives  
Austin, Texas,  
May 2, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

Motion to suspend all rules to reconsider vote by which House concurred in Senate amendments to H. B. No. 484 prevailed.

The House refused to concur in Senate amendments to H. B. No. 484

and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

House Conferees: Cain, Hinson, Wayne, Muniz, Abraham.

H. C. R. No. 94, Inviting Eugene Locke to address a Joint Session of the Texas Legislature.

S. B. No. 425, A bill to be entitled "An Act authorizing additional trustees for public junior college districts originally created as county junior college districts which have been enlarged by addition of two (2) or more counties or parts of thereof; fixing terms of trustees and providing for election and appointment; authorizing appointments to fill vacancies; providing Act shall be cumulative of existing laws; providing partial invalidity shall not affect remainder of Act; and declaring an emergency."

(With Amendment.)

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Senate Resolution 510

By unanimous consent, Senator Watson offered the following resolution:

Whereas, On May 6, 1967, the high point of Baylor Law Day activities will be reached when Victor W. Bouldin of Houston, Texas, is named "Baylor Lawyer of the Year" in recognition of his dedicated service and outstanding contributions to Baylor University School of Law and to the legal profession; and

Whereas, A 1929 graduate of Baylor University School of Law, with LL.B. cum laude, he has been engaged in the active practice of law since his graduation and admission to the State Bar of Texas in that same year; and

Whereas, He was born in Matador, Texas, on September 17, 1907, and received his public school education in Mineral Wells, going on to Baylor University for his undergraduate and legal training; and

Whereas, Victor Bouldin specialized in and has become a noted authority nationally in the law of water rights and in municipal finance; from 1931-35, he served as county attorney

for Palo Pinto County, and then was an Assistant Attorney General of Texas from 1935 to 1940, during which time he headed the Bond Division and the Anti-Trust Division; in 1940, he became associated with the law firm of Vinson, Elkins, Weems, & Searls of Houston, and is presently a partner in that firm; and

Whereas, His knowledge of water law has resulted in his appointment on a number of state and other committees dealing with the subject: from 1941 to 1953, he was a member of the Governor's Water Advisory Committee; in 1949-1950, he was a member of the Texas Water Code Committee; later, he was chairman of the Committee on Revision of Water Laws of the State Bar Association of Texas in the period from 1965 to 1967; he was a member of the Texas Legislative Council's Water Law Revision Advisory Committee in the 1965-66 interim; at present, he is serving on the Water Laws Committee of the Texas Water Conservation Association; and

Whereas, He has had published numerous papers dealing with the area of water law: many have been presented at the Water Law Conference at The University of Texas Law School over the last 15 years; his papers have also been published in the "Texas Engineer", "American Society of Civil Engineers-1949"; "Proceedings, 8th Annual Conference on Water for Texas at Texas A&M University in 1963"; "Proceedings, Southern Water Conference, 1965"; and "Proceedings National Meeting of the American Institute of Chemical Engineers"; and

Whereas, In receiving this highest honor granted by the Baylor University School of Law, Victor W. Bouldin follows such distinguished recipients of the "Baylor Lawyer of the Year" award as A. J. Folley of Amarillo, who was the first to be so honored in 1963; Leon Jaworski of Houston in 1964; Price Daniel of Austin and Liberty in 1965; and the President of Baylor University and former Dean of the University School of Law, Abner V. McCall, in 1966; and

Whereas, The Senate of the State of Texas wishes to congratulate Victor W. Bouldin on the high honor he will receive and express appreciation to him for his service to

the State of Texas; now, therefore, be it

Resolved, That the Senate of the 60th Legislature by this Resolution commend and honor Victor W. Bouldin of Houston for his years of distinguished service as an outstanding member of the legal profession, who has given unstintingly of his time and knowledge to the service of his State and his fellow citizens; and, be it further

Resolved, That the Senate congratulate him for his well-deserved recognition by the Baylor University School of Law through his selection as "Baylor Lawyer of the Year," and that a copy of this Resolution be prepared for him under the Seal of the Senate of Texas as a token of the respect and esteem this body holds for him.

WATSON  
COLE

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Blanchard, Brooks, Christie, Connally, Creighton, Grover, Hall, Hardeman, Harrington, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, Moore, Parkhouse, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Wilson, Word.

The resolution was read.

On motion of Senator Word and by unanimous consent the names of the Lieutenant Governor and all Senators were added to the resolution as signers thereof.

The resolution was then adopted.

Committee Substitute  
Senate Bill 579 on Second Reading

On motion of Senator Wilson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 579, A bill to be entitled "An Act amending Chapter 518, Acts 1955, 54th Legislature, Regular Session, page 1314, codified as Article 8280-188, Revised Civil Statutes of the State of Texas, as said statute has heretofore been amended, by re-enacting certain provisions therein but eliminating there-

from restrictions which limit the exercise of certain powers by the Trinity River Authority to the Chambers-Liberty Counties Navigation District, specifically authorizing promotion of navigation; increasing the rate of tax; providing certain exemptions as to certain property; finding that notice of intent was properly published; and declaring an emergency."

The bill was read second time.

Senator Kennard offered the following amendment to the bill:

Amend the Committee Substitute for S. B. No. 579 by striking Subsection (a) of Sec. 4, and substituting in lieu thereof the following:

"(a) The Authority may make contracts with the United States, its agencies, the State of Texas, its agencies, all municipal corporations, political subdivisions and districts, and with private persons. It may obtain loans from and accept grants from the United States and its agencies, and from the State of Texas, and its agencies, and it shall have the right to participate in and be the beneficiary of any plan which may be evolved by the State or Federal Government for guaranteeing or otherwise subsidizing the obligations of the Authority; provided, however, that no contract shall be entered into between the Authority and the Federal Government for navigation purposes to any point on the Trinity River north of Ellis County, unless such contract provides for construction and operation of the navigation facilities to a point in Tarrant County."

KENNARD  
CREIGHTON

The amendment was read and was adopted.

On motion of Senator Wilson and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Record of Vote

Senator Brooks asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**Committee Substitute  
Senate Bill 579 on Third Reading**

Senator Wilson moved that the Constitutional Rule and Senate Rules 32 and 38 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 579 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—30**

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Brooks	Moore
Christie	Parkhouse
Cole	Patman
Connally	Ratliff
Creighton	Reagan
Grover	Schwartz
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word

**Absent—Excused**

**Strong**

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—26**

Aikin	Hightower
Bates	Kennard
Bernal	Mauzy
Berry	Moore
Christie	Parkhouse
Connally	Patman
Creighton	Ratliff
Grover	Reagan
Hall	Schwartz
Hardeman	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	Word

**Nays—4**

Blanchard	Cole
Brooks	Jordan

**Absent—Excused**

**Strong**

**Senate Joint Resolution 24  
on Second Reading**

On motion of Senator Wilson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. J. R. No. 24, Proposing an amendment to Article 8 of the Constitution of the State of Texas by adding a Section 2-a to authorize the Legislature to provide a system for exempting certain property from ad valorem taxation.

The resolution was read second time.

Senator Wilson offered the following Committee Amendment to the resolution:

Amend S. J. R. No. 24 by adding to Section 2-a (a) the following: Immediately preceeding the word property insert the word "personal" and immediately succeeding the word designed insert the word "primarily".

The Committee Amendment was read and was adopted.

Senator Watson offered the following amendment to the resolution:

Amend S. J. R. No. 24 as follows:

(1) Amend Subsection (a) of the quoted Section 2-a by adding the following sentence to the end of the subsection:

"The Legislature may provide that plants processing agricultural products in their natural state are entitled to such an exemption if their emissions of particulate matter into the air do not exceed eight percent of the process weight of the material entering the process."

(2) Amend Section 2 by striking the period at the end of the portion of the proposition which begins with the word "FOR" and substituting the following:

"or, in the case of plants processing agricultural products in their natural state, if their emissions of particulate matter into the air do not exceed eight percent of the process weight of the material entering the process."

(3) Amend Section 2 by striking the period at the end of the portion of the proposition which begins with

the word "AGAINST" and substituting the following:

"or, in the case of plants processing agricultural products in their natural state, if their emissions of particulate matter into the air do not exceed eight percent of the process weight of the material entering the process."

The amendment was read and was adopted.

The resolution, as amended, was passed to engrossment.

#### Record of Vote

Senator Hightower asked to be recorded as voting "Nay" on the passage of the resolution to engrossment.

#### Senate Joint Resolution 24 on Third Reading

Senator Wilson moved that the Constitutional Rule and Senate Rule 32 requiring resolutions to be read on three several days be suspended and that S. J. R. No. 24 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—28

Aikin	Hazlewood
Bates	Herring
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Brooks	Moore
Christie	Parkhouse
Cole	Patman
Connally	Ratliff
Creighton	Reagan
Grover	Wade
Hall	Watson
Hardeman	Wilson
Harrington	Word

#### Nays—2

Hightower	Schwartz
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Absent—Excused

Strong

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

#### Yeas—28

Aikin	Hazlewood
Bates	Herring
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Brooks	Moore
Christie	Parkhouse
Cole	Patman
Connally	Ratliff
Creighton	Reagan
Grover	Wade
Hall	Watson
Hardeman	Wilson
Harrington	Word

#### Nays—2

Hightower	Schwartz
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Absent—Excused

Strong

#### Report of Standing Committee

Senator Hall by unanimous consent submitted the following report:

Austin, Texas,  
May 2, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 637, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

HALL, Chairman.  
CHRISTIE  
WORD

#### House Bill 637 Ordered Not Printed

On motion of Senator Creighton and by unanimous consent H. B. No. 637 was ordered not printed.

#### Conference Committee on House Bill 484

Senator Aikin called from the President's Table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 484 and moved that the request be granted.

The motion to grant the request prevailed.



Accordingly, the President announced the appointment of the following as Conferees on the part of the Senate on H. B. No. 484:

Senators Aikin, Herring, Hightower, Word and Blanchard.

#### House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 383, to Committee on Education.

H. B. No. 755, to Committee on State Affairs.

H. B. No. 780, to Committee on Jurisprudence.

H. B. No. 1234, to Committee on Game and Fish.

H. B. No. 725, to Committee on Game and Fish.

H. B. No. 1209, to Committee on Water and Conservation.

H. B. No. 855, to Committee on Game and Fish.

H. B. No. 856, to Committee on Game and Fish.

H. B. No. 857, to Committee on Game and Fish.

H. B. No. 944, to Committee on Game and Fish.

H. B. No. 1142, to Committee on Education.

#### Committee Substitute Senate Bill 237 on Second Reading

On motion of Senator Cole and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 237, A bill to be entitled "An Act to establish the Texas Air Control Board, prescribe its powers, duties, functions, and procedures, and to provide for the establishment of standards of air quality and the control, prevention, and abatement of air pollution; validating actions of the Texas Air Control Board created by Chapter 687,

Acts of the 59th Legislature, Regular Session, 1965 (Article 4477-4, Vernon's Texas Civil Statutes); providing penalties; repealing Chapter 687, Acts of the 59th Legislature, Regular Session, 1965 (Article 4477-4, Vernon's Texas Civil Statutes); and declaring an emergency."

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Amend the Committee Substitute for S. B. No. 237 by adding a Subsection (C) to Section 6 to read as follows:

"(C) The board shall establish its rules and regulations concerning the emission of particulate matter from plants processing agricultural products in their natural state according to a formula derived from the process weight of the materials entering the process. The board may not require in its rules and regulations that such plants meet a standard which requires an emission of less than eight percent of the process weight of the materials entering the process."

The amendment was read and was adopted.

Senate Watson offered the following amendment to the bill:

Amend Section 6(B) of the Committee Substitute for S. B. No. 237 to read as follows:

"(B) A rule or regulation or any amendment thereof which shall be adopted by the board may differ in its terms and provisions as between particular conditions, as between particular sources and as between particular areas of the state. In exercising the power granted it by Section 4 to adopt and promulgate rules and regulations for air control, the board shall give due recognition to the fact that the quantity or characteristics of air contaminants or the duration of their presence in the atmosphere, which may cause a need for air control in one area of the state may not cause need for air control in another area of the state, and it shall take into consideration in this connection such factors, among others found by it to be proper and just, as existing physical conditions, topography, population, and prevailing wind directions and velocities and also the fact that a rule or regulation and

the degrees of conformance therewith which may be proper as to an essentially residential area of the state may not be proper either as to a highly developed industrial area of the state or as to a relatively unpopulated area of the state."

The amendment was read and was adopted.

Senator Herring offered the following amendment to the bill:

Amend Committee Substitute for S. B. No. 237 by striking out the words "or its own governing body" on line 54 and "or its governing body" on lines 57 and 58 appearing in subsection B of Section 13 of said Committee Substitute and substituting therefor in each place the words and punctuation ", or in the case of a city or town its own governing body,".

The amendment was read and was adopted.

Senator Herring offered the following amendment to the bill:

Amend Committee Substitute for S. B. No. 237 by striking out the words and punctuation "person, as defined herein" appearing in Section 14 of said Committee Substitute and substituting therefor the words "private corporation or individual".

The amendment was read and was adopted.

Senator Herring offered the following amendment to the bill:

Amend Committee Substitute for S. B. No. 237 by striking out Subsection (D) of Section 2 and inserting therefor the following:

"D. 'Air pollution' means the presence in the atmosphere of undesirable levels of air contaminants, inconsistent with the achievement of the purposes of this Act as stated in Section 1."

The amendment was read.

Question—Shall the amendment by Senator Herring to C. S. S. B. No. 237 be adopted?

#### Message From the House

Hall of the House of Representatives

Austin, Texas,

May 2, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 34, Providing for creation of a Constitutional Revision Commission.

H. C. R. No. 99, Regarding Mexican Flag captured at San Jacinto.

S. B. No. 47, A bill to be entitled "An Act to amend Article 14.14 Subdivision (A) and Article 14.18 of Chapter 14 of Title 122A—"Taxation-General" of Revised Civil Statutes of Texas, 1925, relating to Inheritance Taxes; and declaring an emergency."

H. J. R. No. 16, Proposing an amendment to Article VIII, Constitution of the State of Texas, to provide for exemption from ad valorem taxation of certain property which is in the temporary custody of a public warehouseman.

H. B. No. 214, A bill to be entitled "An Act regulating the "Going Out of Business" and declaring an emergency."

H. B. No. 354, A bill to be entitled "An Act relating to raising the standards for issuance and renewal of operators', commercial operators' and chauffeurs' licenses; increasing the penalties for violation of certain traffic laws; requiring license applicants to be examined in the types of vehicles which they will be licensed to operate; broadening the grounds for license suspension and revocation and increasing the period of suspension in certain instances; changing the procedure for revocation and suspension and for judicial review; providing for a motorcycle operator's license; providing for a provisional license; establishing driver training schools for rehabilitation of problem drivers; amending Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes), as follows: amending Section 2(a), 4, 10, 21(b), 22(a) and (b), 24 (b), and 34, and adding new Sections 5B, 11A, 24A, and 30A; and declaring an emergency."

H. B. No. 568, A bill to be entitled "An Act relating to the licensing of commercial driver training schools and driver training instructors by the

Department of Public Safety; and declaring an emergency."

H. B. No. 669, A bill to be entitled "An Act concerning faculty development leaves of absence for faculty members of State institutions of higher learning, and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Reports of Standing Committees

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,  
May 2, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 1209, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Senator Hall by unanimous consent submitted the following reports:

Austin, Texas,  
May 2, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 588, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
WORD  
CHRISTIE

Austin, Texas,  
May 2, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 587, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
WORD  
CHRISTIE

Austin, Texas,  
May 2, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1241, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

HALL, Chairman.  
WORD  
CHRISTIE

Austin, Texas,  
May 2, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1023, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
WORD  
CHRISTIE

Austin, Texas,  
May 2, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1222, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
WORD  
CHRISTIE

Austin, Texas,  
May 2, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1105, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
WORD  
CHRISTIE

Senator Christie by unanimous consent submitted the following reports:

Austin, Texas,  
May 2, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Departments and Institutions to which was referred H. B. No. 888, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CHRISTIE, Chairman.  
SCHWARTZ  
BROOKS  
WILSON  
HERRING

Austin, Texas,  
May 2, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to which was referred H. B. No. 1032, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CHRISTIE, Chairman.  
SCHWARTZ  
BROOKS  
HERRING  
WILSON

Senator Hightower by unanimous consent submitted the following reports:

Austin, Texas,  
May 2, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 917, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HIGHTOWER, Chairman  
WADE  
BATES  
BLANCHARD  
BROOKS  
CHRISTIE  
RATLIFF  
WATSON  
WORD  
CREIGHTON  
HARRINGTON

Austin, Texas,  
May 2, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 725, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HIGHTOWER, Chairman.

Austin, Texas,  
May 2, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 1234, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HIGHTOWER, Chairman.

Senator Cole by unanimous consent submitted the following report:

Austin, Texas,  
May 2, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B. No. 383, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

COLE, Chairman.  
REAGAN  
BLANCHARD

**Senate Bill 587 Ordered Not Printed**

On motion of Senator Mauzy and by unanimous consent, S. B. No. 587 was ordered not printed.

**House Bill 1222 Ordered Not Printed**

On motion of Senator Jordan and by unanimous consent H. B. No. 1222 was ordered not printed.

**House Bill 1105 Ordered Not Printed**

On motion of Senator Jordan and by unanimous consent H. B. No. 1105 was ordered not printed.

**Senate Bill 588 Ordered Not Printed**

On motion of Senator Brooks and by unanimous consent S. B. No. 588 was ordered not printed.

**House Bill 1241 Ordered Not Printed**

On motion of Senator Harrington and by unanimous consent, H. B. No. 1241 was ordered not printed.

**Recess**

On motion of Senator Aikin the Senate at 11:57 o'clock a.m. took recess until 2:30 o'clock p.m. today.

**After Recess**

The President called the Senate to order at 2:30 o'clock p.m.

**Committee Substitute Senate Bill 237 on Second Reading**

The Senate resumed the consideration of the pending business, same being C. S. S. B. No. 237 on its second reading with an amendment by Senator Herring pending.

Question—Shall the amendment by Senator Herring to C. S. S. B. No. 237 be adopted?

Senator Schwartz moved to table the amendment.

Question on the motion to table the amendment, "Yeas" and "Nays" were demanded.

The motion to table prevailed by the following vote:

**Yeas—17**

Aikin	Hazlewood
Bates	Hightower
Bernal	Jordan
Blanchard	Kennard
Brooks	Mauzy
Christie	Patman
Grover	Schwartz
Hardeman	Word
Harrington	

**Nays—10**

Berry	Parkhouse
Cole	Ratliff
Creighton	Reagan
Herring	Wade
Moore	Watson

**Absent**

Connally	Wilson
Hall	

**Absent—Excused**

Strong

Senator Herring offered the following amendment to the bill:

Amend Committee Substitute for S. B. 237 by striking out Section 15 and substituting therefor the following:

"Section 15(A). The board is the principle authority in the state for setting standards, criteria, levels and emission limits for air content and pollution control.

"(B) Subject to the provisions of Section 15(A), an incorporated city or town may enact and enforce any ordinance not inconsistent with the provisions of this Act or the rules, regulations, or orders of the board.

"(C) Any ordinance adopted or enforced by an incorporated city or town shall be consistent with the provisions of this Act and the rules, regulations, or orders of the board, and shall not make unlawful any condition or act permitted, approved or otherwise authorized pursuant to this Act or the rules, regulations or orders of the board."

The amendment was read.

(Senator Aikin in the Chair.)

Senator Schwartz moved to table the amendment.

Question on the motion to table the amendment, "Yeas" and "Nays" were demanded.

The motion to table was lost by the following vote:

**Yeas—11**

Aikin	Jordan
Bernal	Kennard
Brooks	Mauzy
Grover	Patman
Hall	Schwartz
Harrington	

**Nays—17**

Bates	Hightower
Berry	Moore
Blanchard	Parkhouse
Christie	Ratliff
Cole	Reagan
Creighton	Wade
Hardeman	Watson
Hazlewood	Word
Herring	

**Absent**

Connally	Wilson
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## Absent—Excused

Strong

Question recurring on the amendment, the amendment was adopted.

Senator Schwartz offered the following amendment to the bill:

Amend S. B. No. 237 by adding the following language at the end of sub-section K of Section 3: "Such records shall show, among other things, the source of all monies or other things of value, received by the board under Section 3(J) above from sources other than public sources."

The amendment was read and was adopted.

Senator Schwartz offered the following amendment to the bill:

Amend S. B. No. 237 by placing a period after the word "people" on page 1, line 34, and striking the language that follows in such section.

The amendment was read.

Question on the adoption of the amendment, "Yeas" and "Nays" were demanded.

The amendment failed of adoption by the following vote:

## Yeas—13

Bates	Jordan
Bernal	Kennard
Brooks	Mauzy
Grover	Patman
Hall	Schwartz
Harrington	Wilson
Hightower	

## Nays—14

Aikin	Moore
Berry	Parkhouse
Christie	Ratliff
Cole	Reagan
Creighton	Wade
Hardeman	Watson
Herring	Word

## Absent

Blanchard	Hazlewood
Connally	

## Absent—Excused

Strong

Senator Jordan offered the following amendment to the bill:

Amend S. B. 237 by striking Section 15 of the printed bill and substituting in lieu thereof the following:

"Section 15.—This Act shall not in any way affect the right of any incorporated city to abate a nuisance or enforce any ordinance necessary to protect health, life and property nor diminish any rights or powers presently granted to such cities, but the rights and powers granted to such cities herein shall be cumulative to such rights and powers already possessed by such cities."

The amendment was read.

Senator Cole raised the Point of Order that the pending amendment seeks to amend a Section of the bill that has previously been amended at the same stage of the bill.

The Presiding Officer (Senator Aikin in the Chair) sustained the Point of Order.

Senator Schwartz moved to reconsider the vote by which amendment number four by Senator Herring was adopted (he having voted on the prevailing side).

(President in the Chair.)

Question on the motion to reconsider, "Yeas" and "Nays" were demanded.

The motion to reconsider the vote by which the amendment was adopted prevailed by the following vote:

## Yeas—19

Aikin	Hall
Bates	Harrington
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Brooks	Patman
Christie	Schwartz
Connally	Wilson
Creighton	Word
Grover	

## Nays—10

Cole	Parkhouse
Hardeman	Ratliff
Herring	Reagan
Hightower	Wade
Moore	Watson

## Absent

Hazlewood

## Absent—Excused

Strong

Question recurring on the adoption of Amendment Number Four by Senator Herring to S. B. No. 237, "Yeas" and "Nays" were demanded.

The amendment failed of adoption by the following vote:

## Yeas—11

Cole	Ratliff
Hardeman	Reagan
Herring	Wade
Hightower	Watson
Moore	Wilson
Parkhouse	

## Nays—19

Aikin	Hall
Bates	Harrington
Bernal	Hazlewood
Berry	Jordan
Blanchard	Kennard
Brooks	Mauzy
Christie	Patman
Connally	Schwartz
Creighton	Word
Grover	

## Absent—Excused

Strong

Senator Jordan offered the following amendment to the bill:

Amend S. B. No. 237 by adding a new Section 16 to read as follows and renumber the sections which follow:

"Section 16. This Act shall not in any way affect the right of any incorporated city to abate a nuisance or enforce any ordinance necessary to protect health, life and property nor diminish any rights or powers presently granted to such cities, but the rights and powers granted to such cities herein shall be cumulative to such rights and powers already possessed by such cities."

The amendment was read.

Senator Cole moved to table the pending amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table was lost by the following vote:

## Yeas—13

Blanchard	Moore
Cole	Parkhouse
Connally	Ratliff
Creighton	Reagan
Hardeman	Wade
Herring	Watson
Hightower	

## Nays—14

Aikin	Hazlewood
Bernal	Jordan
Brooks	Kennard
Christie	Mauzy
Grover	Patman
Hall	Schwartz
Harrington	Wilson

## Present—Not Voting

Bates	Word
Berry	

## Absent—Excused

Strong

Question recurring on the adoption of the amendment, "Yeas" and "Nays" were demanded.

The amendment was adopted by the following vote:

## Yeas—15

Aikin	Hazlewood
Bates	Jordan
Bernal	Kennard
Brooks	Mauzy
Christie	Patman
Grover	Schwartz
Hall	Wilson
Harrington	

## Nays—14

Berry	Moore
Cole	Parkhouse
Connally	Ratliff
Creighton	Reagan
Hardeman	Wade
Herring	Watson
Hightower	Word

## Absent

Blanchard

## Absent—Excused

Strong

Senator Christie moved to reconsider the vote by which amendment number eight by Senator Schwartz relating to line 34 of page 1 failed of

adoption (he having voted on the prevailing side).

The motion to reconsider prevailed.

Question recurring on the adoption of amendment number eight, the amendment was adopted.

On motion of Senator Cole and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Committee Substitute Senate Bill 237 on Third Reading

Senator Cole moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 237 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Wade
Hardeman	Watson
Harrington	Word
Herring	

Absent

Hall	Wilson
Hazlewood	

Absent—Excused

Strong

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Reports of Standing Committees

Senator Watson by unanimous consent submitted the following reports:

Austin, Texas,  
May 2, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred H. B. No. 676, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WATSON, Chairman.

Austin, Texas,  
May 2, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred H. B. No. 347, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WATSON, Chairman.

Senator Christie by unanimous consent submitted the following report:

Austin, Texas,  
May 2, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Departments and Institutions to which was referred H. B. No. 654, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CHRISTIE, Chairman.  
SCHWARTZ  
BROOKS  
WILSON  
HERRING

Senator Watson by unanimous consent submitted the following report:

Austin, Texas,  
May 2, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred S. B. No. 447, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

WATSON, Chairman.



**Bills and Resolution Signed**

The President signed in the presence of the Senate after the caption had been read the following enrolled bills and resolution:

S. C. R. No. 59, Recalling S. J. R. No. 3 from the Governor's Office and authorizing the Engrossing and Enrolling Clerk to make certain changes therein.

S. B. No. 246, A bill to be entitled "An Act changing the name of the Houston State Psychiatric Institute for Research and Training to the Texas Research Institute of Mental Sciences; and declaring an emergency."

S. B. No. 152, A bill to be entitled "An Act relating to the filling of vacancies in the office of supervisor of Soil and Water Conservation Districts and the manner of changing the boundaries of such districts; amending Sections 5 and 6, Chapter 3, page 7, General Laws, Acts of the 46th Legislature, 1939, as amended (Article 165a-4, Vernon's Texas Civil Statutes); and declaring an emergency."

S. B. No. 153, A bill to be entitled "An Act amending Section 3, Chapter 332, Acts of the 53rd Legislature, Regular Session, 1953 (Article 165a-10, Vernon's Texas Civil Statutes), relating to bonds, accounts, and record-keeping of Soil and Water Conservation Districts; and declaring an emergency."

S. B. No. 499, A bill to be entitled "An Act repealing Chapter 23, Acts of the 56th Legislature, 2nd Called Session, 1959 (Article 8280-242, Vernon's Texas Civil Statutes); and declaring an emergency."

**House Bill 888 Ordered Not Printed**

On motion of Senator Christie and by unanimous consent H. B. No. 888 was ordered not printed.

**House Bill 654 Ordered Not Printed**

On motion of Senator Christie and by unanimous consent H. B. No. 654 was ordered not printed.

**Senate Bill 584 Ordered Not Printed**

On motion of Senator Connally and by unanimous consent S. B. No. 584 was ordered not printed.

**Senate Bill 562 With House Amendment**

Senator Hall called S. B. No. 562 from the President's Table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

**Committee Amendment 1**

Amend S. B. No. 562 in the following manner:

a. Delete the word and figure "twenty-five (25)" appearing on line 59 of page 1 of the printed bill and substitute therefor the words and figure "one hundred (100)".

b. Delete the entire sentence that begins on line 40 of page 2 of the printed bill and substitute therefor the following: "If the proposition to create the Greenville Hospital District fails to carry at the election, no other election for the same purpose may be held within one year after the results of the election are announced officially."

c. Add after the words "subject to" where they appear on line 47 page 4 of the printed bill the words "hospital district".

d. Add after the word "condemnation" where it appears on line 56 page 7 of the printed bill the words "by counties".

e. Delete the word "guardians" appearing on line 56 page 8 of the printed bill.

The House amendment was read.

Senator Hall moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

Yeas—30

Aikin	Harrington
Bates	Hazlewood
Bernal	Herring
Berry	Hightower
Blanchard	Jordan
Brooks	Kennard
Christie	Mauzy
Cole	Moore
Connally	Parkhouse
Creighton	Patman
Grover	Ratliff
Hall	Reagan
Hardeman	Schwartz

Wade  
Watson

Wilson  
Word

Absent—Excused

Strong

### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 2, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 1055, A bill to be entitled "An Act amending Art. 1203 of the Insurance Code of the State of Texas, same being Acts of 1951, 52nd Legislature, Regular Session, Chapter 491, page 868, as amended, codified as the Insurance Code, Vernon's Texas Civil Statutes, so as to permit any local mutual aid association or association defined in Article 14.37, Chapter 14, Insurance Code of the State of Texas to operate in any county in this State and also providing that each such local mutual aid association or association defined in Article 14.37 may amend its Articles of Association hereafter so as to permit it to operate and do business on a statewide basis and to receive a certificate of authority covering such territory; amending Art. 22.05 of the Insurance Code of the State of Texas, same being Acts of 1951, 52nd Legislature, Regular Session, Chapter 491, page 868, as amended, codified as the Insurance Code, Vernon's Texas Civil Statutes, so as to permit stipulated premium companies holding a permanent certificate of authority; providing that such stipulated premium company may operate and do business in a limited territory to apply for and receive a permanent certificate of authority to operate and issue policies as so previously authorized or as may thereafter be authorized anywhere within the State of Texas; providing for a severability clause; and declaring an emergency."

H. B. No. 301, A bill to be entitled "An Act to amend Section 89 of Article XI, Acts 50th Legislature, Regular Session 1947, Chapter 421, page 967, repealing all laws and parts of

laws in conflict; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

### House Bills and Resolution on First Reading

The following bills and resolution received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 301, to Committee on Transportation.

H. B. No. 1055, to Committee on Insurance.

H. J. R. No. 16, to Committee on Constitutional Amendments.

### Senate Bill 94 on Second Reading

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 94, A bill to be entitled "An Act to prohibit governmental bodies from holding meetings which are closed to the public; defining the term "governmental body"; making certain exceptions; providing for relief by mandamus or injunction to prevent closed meetings; making unlawful certain acts pertaining to closed meetings and prescribing a penalty therefor; providing for severability; repealing all laws in conflict; and declaring an emergency."

The bill was read second time.

Senator Berry offered the following amendment to the bill:

Amend S. B. No. 94, Sec. 2 (a) by adding a new paragraph (4) to read as follows:

"(4) any agency, department or political subdivision not supported by or not expending public funds raised by taxation."

The amendment was read and was adopted.

The bill as amended was passed to engrossment.

### Senate Bill 94 on Third Reading

Senator Brooks moved that the Constitutional Rule and Senate Rule

32 requiring bills to be read on three several days be suspended and that S. B. No. 94 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Reagan
Creighton	Schwartz
Grover	Wade
Hall	Watson
Hardeman	Wilson
Harrington	Word
Herring	

Absent

Connally	Ratliff
Hazlewood	

Absent—Excused

Strong

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Creighton	Reagan
Grover	Schwartz
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

Absent

Connally

Absent—Excused

Strong

# Vote on Final Passage of Committee Substitute Senate Bill 237

Reconsidered

On motion of Senator Cole, and by unanimous consent, the vote by which C. S. S. B. No. 237 was finally passed was reconsidered.

Question—Shall C. S. S. B. No. 237 be finally passed?

The bill was again finally passed by the following vote:

Yeas—30

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Brooks	Moore
Christie	Parkhouse
Cole	Patman
Connally	Ratliff
Creighton	Reagan
Grover	Schwartz
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word

Absent—Excused

Strong

## Senate Concurrent Resolution 61

By unanimous consent, Senator Herring offered the following resolution:

S. C. R. No. 61, Expressing appreciation for the service of Judge W. W. Heath and inviting him to address the Texas Legislature.

Whereas, Another distinguished Texan, W. W. Heath of Austin, has been selected by President Lyndon B. Johnson to serve this great nation as Ambassador to Sweden, one of the major nations of free Europe; and

Whereas, This outstanding Texas attorney, rancher, insurance and banking executive, who is highly esteemed by his fellow citizens for his zealous attention to the affairs of state government and his years of dedicated service as a member of numerous boards and commissions governing state governmental agencies and institutions, was born on December 7, 1903, at Normangee, Leon County, Texas; and

Whereas, An ex-student of colleges and universities, including The Uni-

versity of Texas, Judge Heath has had long tenure as a member of The University of Texas System Board of Regents: he was first appointed by Governor Price Daniel in March 1959 and was elected Vice-Chairman of the Board and Chairman of its Executive Committee in March 1961; on December 1, 1962, the Board elected him Chairman, and when he was renamed to the Board by Governor John B. Connally, he was re-elected Chairman in April 1965; he resigned his chairmanship on December 1, 1966, but continued as a member of the Board of Regents; and

Whereas, His first work was as a public school teacher, principal and athletic coach; then, at the age of 20, he was elected county attorney and, later, became county judge of Grimes County; when only 29, he was appointed to the office of Secretary of State and was later Assistant Attorney General of Texas in charge of State Affairs, Banking and Insurance; and

Whereas, In October 1957 he was appointed a member of the Texas State Board for Hospitals and Special Schools (the predecessor of the present Board for Mental Health and Retardation), to fill an unexpired term ending in 1959; the junior member of this Board, he was, nevertheless, elected chairman, and remained in that post until qualifying as a member of The University of Texas Board of Regents; and

Whereas, His other state service includes membership on the Board for Lease of University Lands, and he was also Vice-Chairman of this Board; he is a former member of the Executive Committee of the Governing Boards of Texas State Colleges and Universities; a member of the Texas State Finance Advisory Commission; and president of the Texas Law Enforcement and Youth Development Foundation; and

Whereas, Judge Heath has also been most active in the political arena, serving as Delegate-at-Large from Texas to both the 1960 and 1964 Democratic National Conventions; he was General Chairman of the 1961 and 1965 Texas Governor's Inaugural Committees; and

Whereas, He is an able and highly respected attorney; he began private law practice in Austin in 1937, and is now senior partner in the law firm of Heath and Davis, which specializes in insurance; he owns and operates

the largest ranch in Blanco County, near Hye, Texas; he is presently a member of the Board of Directors of the Capital National Bank, Braniff International Airways, Dillard's Department Stores, National Old Line Insurance Company, and Public Savings Life Insurance Company; and

Whereas, He has been active for many years in drives for the Austin United Fund, and is immediate past Chairman of the Education Division of that agency; he is a member of the Board of Directors of Home for the Austin District of the Methodist Church; a trustee, member of the Board of Stewards, and past Chairman of the Commission on Missions and the Finance Commission of the University Methodist Church in Austin; he is trustee of the University Methodist Church Foundation, member of Southwestern University at Georgetown Associates and also its Committee of 125; he is a member of the Pepperdine College at Los Angeles Presidents Board, founder of the Guy H. and Dan C. Heath Memorial Lectures at The University of Texas M. D. Anderson Hospital and Tumor Institute in Houston; and

Whereas, Judge Heath was sworn in on Friday, April 28, 1967, as United States Ambassador to Sweden; simple ceremonies at the State Department in Washington were attended by close friends, including Governor John Connally; Presidential Assistant Marvin Watson; Dr. Joseph Royall Smiley, former president of The University of Texas and now president of the University of Colorado; and Washington hostess Perle Mesta, former U.S. Ambassador to Luxembourg; and

Whereas, Judge and Mrs. Heath, their sons-in-law and daughters, Mr. and Mrs. Dean Hester and Mr. and Mrs. Dewey Ray, were honored with a reception at the Washington Club following the ceremonies, with Mr. and Mrs. Dale Miller of Dallas and Washington, and Mr. and Mrs. William Bauer of Port Lavaca as hosts; and

Whereas, Undersecretary of State Nicholas deB. Katzenbach opened the ceremonies by turning to the Swedish Ambassador to the United States, The Honorable Hubert W. A. de-Besche, and saying that President Johnson had named "a very distinguished Texan" to the Stockholm

post "out of great respect to your country . . ."; and

Whereas, The humility of Judge Heath in assuming the responsibility as Ambassador to Sweden was shown by his words: "I want to serve my country in this new field of public service—this country that has been so good to me. . . . If the people of Sweden resemble the people of Swedish ancestry who came to this country, then they are mighty fine people . . ."; and

Whereas, Judge Heath spoke further of the legacy which Swedish immigrants brought to Texas, and added that he hoped to do what he could, in his small way, to improve the friendly relations that have always existed between Sweden and the United States; and

Whereas, It is a great honor to the entire State of Texas that W. W. Heath, of Austin, outstanding for his leadership in state and national affairs, has received national and international recognition for his character and capability, and it is appropriate that the Texas Legislature recognize his dedicated service to his state and nation; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Texas Legislature express appreciation for the service of Judge W. W. Heath, who has demonstrated time and time again his devotion to his country, his dedication to public service; and, be it further

Resolved, That the prayers and good wishes of the Texas Legislature and all the people of Texas go with Judge Heath in friendship to the people of Sweden with the full assurance that he will represent his nation and its people with honor and integrity; and, be it further

Resolved, That a copy of this Resolution be prepared for Judge W. W. Heath, Ambassador of the United States to Sweden, and that it serve as an invitation to address the Texas Legislature and as an expression of appreciation for his service to the United States and to Texas.

The resolution was read.

On motion of Senator Herring and by unanimous consent the resolution was considered immediately and was adopted.

### Senate Bill 542 on Second Reading

On motion of Senator Cole and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 542, A bill to be entitled "An Act amending Subsection (1) of Article 4565d and Article 4565g of Vernon's Annotated Civil Statutes of Texas as amended by Sections 1 and 2 of Senate Bill No. 104, Chapter 240 of the General and Special Laws of Texas, 55th Legislature, Regular Session, 1957, providing that Ophthalmic Dispensers may fit contact lenses upon the written prescription or at the direction of a licensed physician; providing for savings and severance clauses and declaring an emergency."

The bill was read second time.

Senator Moore offered the following amendment to the bill:

Amend Section 1 of S. B. No. 542 of the printed bill at line 48 by inserting the words "or an optometrist licensed to practice optometry in this state," after the word "state" and before the word "such" on line 48.

The amendment was read and was adopted.

Senator Moore offered the following amendment to the bill:

Amend Section 5 of S. B. No. 542 of the printed bill at line 28 by inserting the words "or optometrist," after the word "physician" and before the word "and" on line 29.

The amendment was read.

Question—Shall the amendment by Senator Moore to S. B. No. 542 be adopted?

### Co-Authors of Senate Bill 94

On motion of Senator Brooks, and by unanimous consent, Senators Schwartz and Hardeman will be shown as co-authors of S. B. No. 94.

### Welcome Resolutions

S. R. No. 509—By Senators Herring and Hazlewood: Extending welcome to students from St. Austin School of Austin.

S. R. No. 511—By Senator Watson: Extending welcome to teachers and students of Riesel High School.

S. R. No. 512—By Senator Word: Extending welcome to Mrs. Alice Warren, Mrs. Olean Smith and Deborah Warren.

S. R. No. 513—By Senator Herring: Extending welcome to sixth grade class of Travis Elementary School of San Marcos.

S. R. No. 514—By Senator Creighton: Extending welcome and privileges of the floor for the day to former Senator Galloway Calhoun.

#### Adjournment

On motion of Senator Hardeman the Senate at 4:28 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

### APPENDIX

#### Reports of Standing Committee

Senator Hardeman submitted the following reports:

Austin, Texas,  
May 2, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 499, "An Act repealing Chapter 23, Acts of the 56th Legislature, 2nd Called Session, 1959 (Article 8280-242, Vernon's Texas Civil Statutes); and declaring an emergency." has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
May 2, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 153, "An Act amending Section 3, Chapter 332, Acts of the 53rd Legislature, Regular Session, 1953 (Article 165a-10, Vernon's Texas Civil Statutes), relating to bonds, accounts, and record-keeping of Soil

and Water Conservation Districts; and declaring an emergency." has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
May 2, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 152, "An Act relating to the filling of vacancies in the office of supervisor of Soil and Water Conservation Districts and the manner of changing the boundaries of such Districts; amending Sections 5 and 6, Chapter 3, page 7, General Laws, Acts of the 46th Legislature, 1939, as amended (Article 165a-4, Vernon's Texas Civil Statutes); and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
May 2, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 246, "An Act changing the name of the Houston State Psychiatric Institute for Research and Training to the Texas Research Institute of Mental Sciences; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

### FIFTY-FOURTH DAY

(Wednesday, May 3, 1967)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Blanchard
Bates	Brooks
Bernal	Christie
Berry	Cole